

EXHIBIT NO.

1

5

3-18-06

Docket Item #6

SPECIAL USE PERMIT #2005-0136

Planning Commission Meeting

March 9, 2006

ISSUE: Consideration of a request for a special use permit for a change of ownership of a non-conforming personal service use (hair salon).

APPLICANT: Sophea Nuth

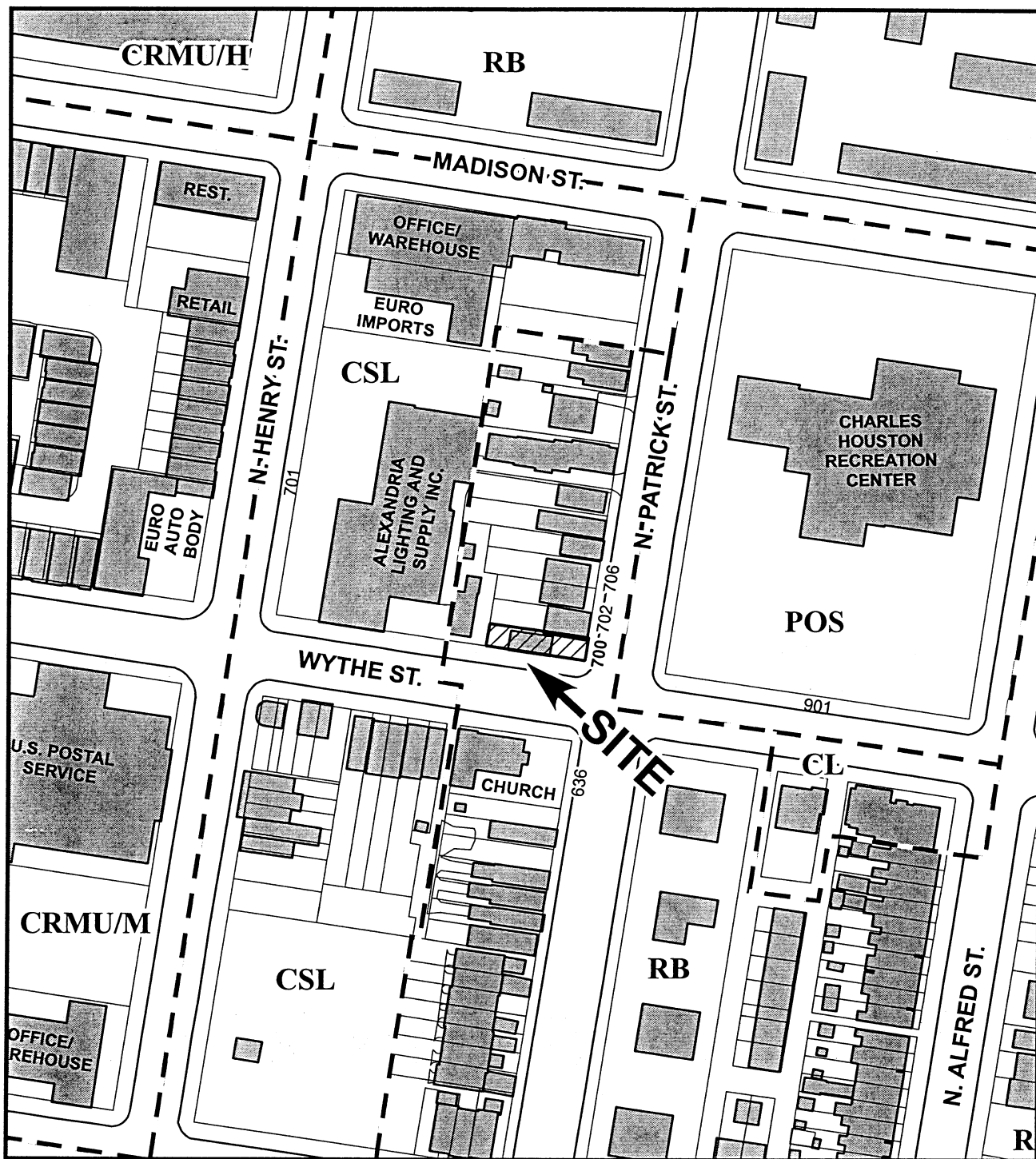
LOCATION: 700 North Patrick Street

ZONE: RB/Residential

PLANNING COMMISSION ACTION, MARCH 9, 2006: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2005-0136

03/09/06



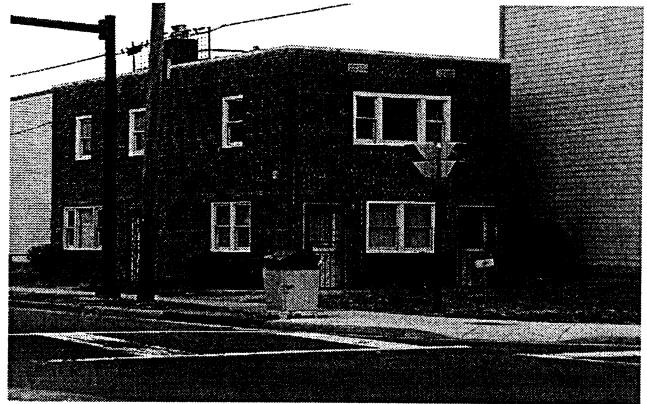
I. DISCUSSION

REQUEST

The applicant, Sophea Nuth, requests special use permit approval for the operation of a personal service hair salon located at 700 N. Patrick Street.

SITE DESCRIPTION

The subject property is one lot of record with 20 feet of frontage along North Patrick Street, 80 feet of frontage on Wythe Street, and a total lot area of 1,600 square feet. A two story brick building occupies the lot. The first floor was previously used as a barber shop and the second floor is currently a rental apartment unit. A barber shop has operated from this location from 1939 until April, 2005. Access to the property is from Wythe Street.



The surrounding area is occupied by a mix of residential civic, and religious uses. Immediately to the north is a residence. To the south is the Sixteenth Tabernacle Church. To the east across Patrick Street is the Charles Houston Recreation Center and to the west are residential uses.

ZONING AND SUP HISTORY

The city's 1951 Zoning Ordinance included comprehensive city wide changes, and required that any non-conforming commercial uses in residential zones be terminated after 40 years, giving owners until 1991 to amortize their investment. In 1989, City Council amended the Zoning Ordinance to allow those commercial uses made non-conforming by the 1951 law to continue beyond 1991, with approval of a special use permit. Under Section 12-210 (B)(4), the commercial use must serve and enhance the nearby neighborhood and meet the overarching standards for all special use permits in Section 11-504.

The subject location is one that fell within the 1951 group of non-conforming commercial sites in residential zones. It is located in the RB/Townhouse zone and has been operating as a non-conforming barber shop/ beauty shop since 1951. In 1961, City Council granted Special Use Permit #0443 to operate a barber shop/beauty shop at 700 N. Patrick Street.

PROPOSAL

The applicant proposes to continue the personal service use with a hair salon located on the first floor and operate it herself. The applicant will also continue the residential apartment use on the second floor of the building.

Hours:	Monday-Saturday 10:00am-8:00pm Sunday-Closed
Number Patrons/day:	15
Noise:	No proposed noise impacts
Trash/Litter:	Cut hair and a few product wrappers

PARKING

Pursuant to Section 8-200 (F) (1) of the Zoning Ordinance, off-street parking is not required for uses existing prior to 1963. A barber shop has occupied 700 North Patrick Street since 1939; therefore, no off-street parking is required for the hair salon.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB Townhouse zone. The previous use of the property as a barber/ beauty shop constitutes a non-conforming use in the RB zone. According to section 12-210 (B)(3)(a) of the zoning ordinance, a non-conforming commercial use in a residential zone may continue if the use enhances, serves, and is compatible with the nearby neighborhood.

The draft Braddock Road Metro Small Area Plan designates the property for residential use only and does not propose any commercial uses for the subject property.

Parker-Gray Board of Architectural Review

The flat roofed brick building at 700 N. Patrick Street appears to date to after 1941, based on map research. However, an earlier frame building in the same location and with the same footprint existed on this lot at least as early as 1912. The building at 700 North Patrick Street is located in the Parker-Gray District. Any exterior alterations visible from a public right-of-way, including signage and parking lots, must be reviewed and approved by the Board of Architectural Review in accordance with Section 10-203 of the Zoning Ordinance.

II. STAFF ANALYSIS

Staff has no objection to the location of the beauty shop at 700 North Patrick Street. The location has been used as a barber shop/hair salon for more than 60 years and the proposed use is the same, therefore no parking restrictions are required. Staff does not object to the continued operation of a personal service at this location. This small personal service business is compatible with the nearby residential area.

As part of the on-going Braddock Road Metro Area Plan process, Wythe Street has been recognized as a major east-west street, connecting the Braddock Road Metro Station and adjacent neighborhoods to the Potomac Waterfront. The plan envisions pedestrian enhancements along Wythe Street, in order to encourage people to walk. Pedestrian improvements at the intersection of Wythe and Patrick streets will make it safer for pedestrians to cross at this busy intersection. The Braddock Road Metro Small Area Plan does not identify the property at 700 N. Patrick Street as a priority site for redevelopment. The plan does however, indicate the property's use to continue being zoned residential.

Given that the location is planned to remain zoned residential and that it is not a redevelopment priority site, staff recommends that City Council review the use within 10 years of the approval of the special use permit.

Staff has contacted the Inner-City Civic Association regarding any comments or concerns that the organizations feel need to be addressed. At this time, staff has not been made aware of any concerns from the community.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to ~~Frank B. Williams~~ the applicant only or to any corporation in which the applicant has controlling interest. (P&CD)(SUP #2544)
2. **CONDITION AMENDED BY STAFF:** The hours of operation of the ~~barber shop~~ hair salon shall be restricted to between 10:00 A.M. and 8:00 P.M., Monday through Saturday. (P&Z)
3. **CONDITION AMENDED BY STAFF:** This special use permit shall be limited only to the operation of a ~~barber shop~~ hair salon on the first floor of the building only. (P&CD)(SUP #2544)
4. The second floor of the building shall be used for residential use only, and may not be used for commercial uses. (SUP#95-0090)(P&Z)

5. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. **CONDITION ADDED BY STAFF:** Prior to the issuance of the certificate of occupancy, the applicant shall submit a landscaping plan and install landscaping for the property in accordance with the plan approved by the Director of Planning and Zoning. (P&Z)
7. **CONDITION ADDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police)
8. **CONDITION ADDED BY STAFF:** The special use permit shall expire 10 years from the date of approval by City Council. (P&Z)
9. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 No objections to proposed use.

Code Enforcement:

F-1 No Comment

Health Department:

C-1 An Alexandria Health Department Permit is required for all regulated facilities.

C-2 Permits are non-transferable.

C-3 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11. Chapter 7, Personal Grooming Establishment.

C-4 Permits must be obtained prior to operation.

Police Department:

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.

R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program.

APPLICATION for SPECIAL USE PERMIT # 2005-0136

[must use black ink or type]

PROPERTY LOCATION: 700 N. PATRICK ST.

TAX MAP REFERENCE: 54.04 - 05 - 15 ZONE: RB

APPLICANT Name: SOPHEA NUTH

Address: 700 N. PATRICK ST., ALEXANDRIA, VA 22314

PROPERTY OWNER Name: SOPHEA NUTH

Address: 700 N. PATRICK STREET, ALEXANDRIA, VA 22314

PROPOSED USE: FIRST FLOOR - HAIR SALON, SECOND FLOOR -
RESIDENTIAL APARTMENT

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

ROBERT C. BYRNES
Print Name of Applicant or Agent

Robert Byrne
Signature

25 W. MYRTLE ST.
Mailing/Street Address

703-683-1011 703-683-1011
Telephone # Fax #

ALEXANDRIA, VA 22301
City and State Zip Code

DECEMBER 28, 2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2005-0136

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser
☐ Lessee or ☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

SOPHEA NUTH IS THE SOLE OWNER OF THE
BUILDING AND THE BUSINESS

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☒ Yes. Provide proof of current City business license
☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

THE NEW OWNER OF THE BUILDING INTENDS TO CONTINUE
THE USES APPROVED IN SUP 95-0090, HAIR STYLING
ON THE FIRST FLOOR AND A RESIDENTIAL APARTMENT
ON THE SECOND FLOOR. INITIALLY, ONLY THE OWNER
WILL BE WORKING IN THE SALON, BUT MAY HIRE ONE
EMPLOYEE IN THE FUTURE. THERE WILL BE A MAXIMUM
OF THREE PATRONS AT A TIME AND A MAXIMUM OF
FIFTEEN PER DAY. HOURS OF OPERATION WILL BE
MONDAY THROUGH SATURDAY FROM 10:00 AM UNTIL
8:00 P.M. PARKING HAS BEEN ON THE STREET
DURING PREVIOUS SUP. THE OWNER WILL PROVIDE
TWO COMPACT SPACES AT THE WEST (REAR) OF THE
PROPERTY, ALTHOUGH THEY WILL HAVE BACK UP
SPACE OF ONLY 12 FEET.

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*

☐ a new use requiring a special use permit,

☐ a development special use permit,

☐ an expansion or change to an existing use without a special use permit,

☒ expansion or change to an existing use with a special use permit,

☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

MAXIMUM 3 PATRONS AT A TIME AND MAXIMUM
15 PATRONS PER DAY.

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

MAXIMUM TWO PER DAY.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

MONDAY THROUGH SATURDAY

10:00AM UNTIL 8:00 PM

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

NO CHANGE FROM EXISTING.

B. How will the noise from patrons be controlled?

THERE WILL BE NO NOISE FROM PATRONS.

8. Describe any potential odors emanating from the proposed use and plans to control them:

THERE WILL BE NO ODORS EMANATING FROM THE USE.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

CUT HAIR AND A FEW PRODUCT WRAPPERS.

B. How much trash and garbage will be generated by the use?

LESS TRASH THAN A RESIDENTIAL USE WILL
BE GENERATED.

C. How often will trash be collected?

TRASH WILL BE COLLECTED WEEKLY.

D. How will you prevent littering on the property, streets and nearby properties?

THERE WILL BE NO MATERIALS TO LITTER.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

DEAD BOLT LOCKS.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

2

- B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

2 Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

- C. Where is required parking located? ☒ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? ONE

- B. How many loading spaces are available for the use? NONE

- C. Where are off-street loading facilities located? THERE WILL BE NO OFF-STREET LOADING. SUPPLIES WILL BE PICKED UP AND DELIVERED BY THE OWNER.

D. During what hours of the day do you expect loading/unloading operations to occur?

NONE.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

NONE.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

STREET ACCESS IS ADEQUATE.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? 0 square feet.

18. What will the total area occupied by the proposed use be?

544 sq. ft. (existing) + _____ sq. ft. (addition if any) = 544 sq. ft. (total)

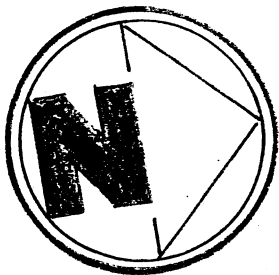
19. The proposed use is located in: (check one)

☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

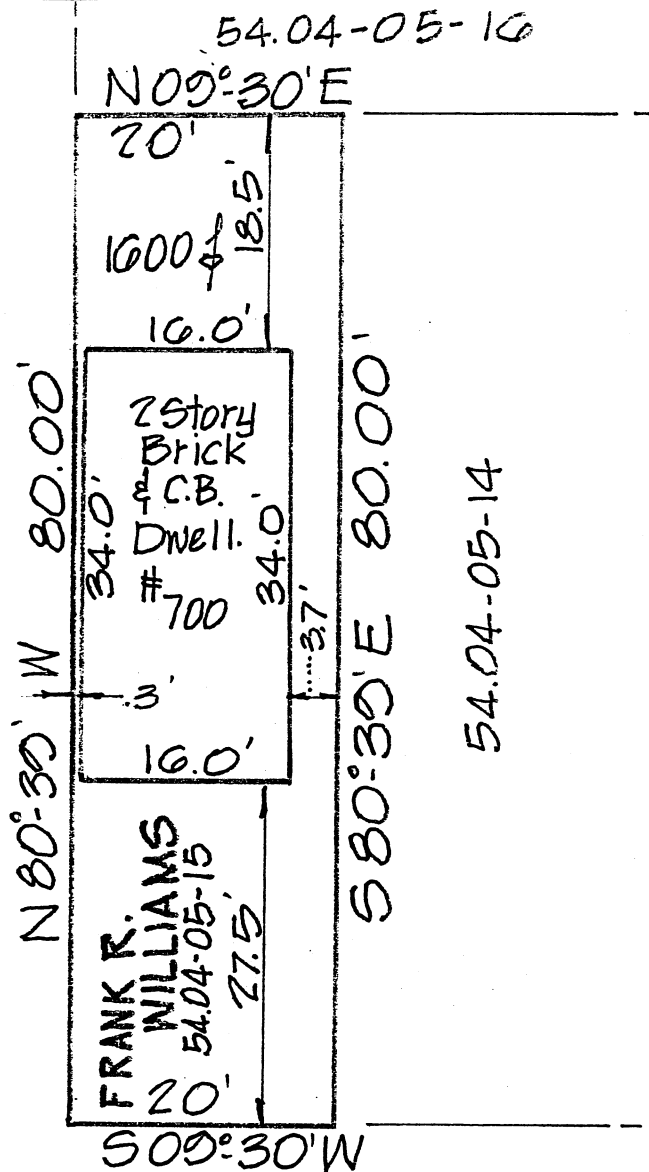
☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☐ other, please describe: _____



WYTHE STREET



NO. PATRICK STREET

PLAT

HOUSE LOCATION SURVEY

TAX ID #10961000 ; PROP. ID. 54.04-05-15

700 NORTH PATRICK STREET

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 15'

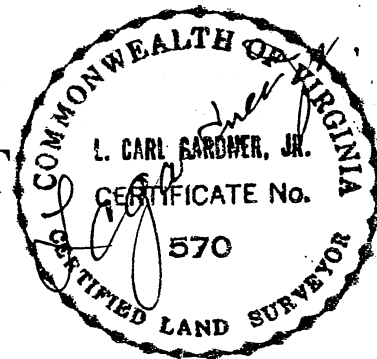
DATE: JULY 25, 2005

F.B.#: 45-84-A

FOR: FRANK R. WILLIAMS

NOTES:

1. UNLESS OTHERWISE INDICATED, THIS PROPERTY LIES WITHIN FLOOD HAZARD ZONE "X" (AN AREA OF MINIMAL FLOODING) AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP FOR THIS AREA.
2. BOUNDARY DATA TAKEN FROM THE LAND RECORDS.
3. NO TITLE REPORT FURNISHED.



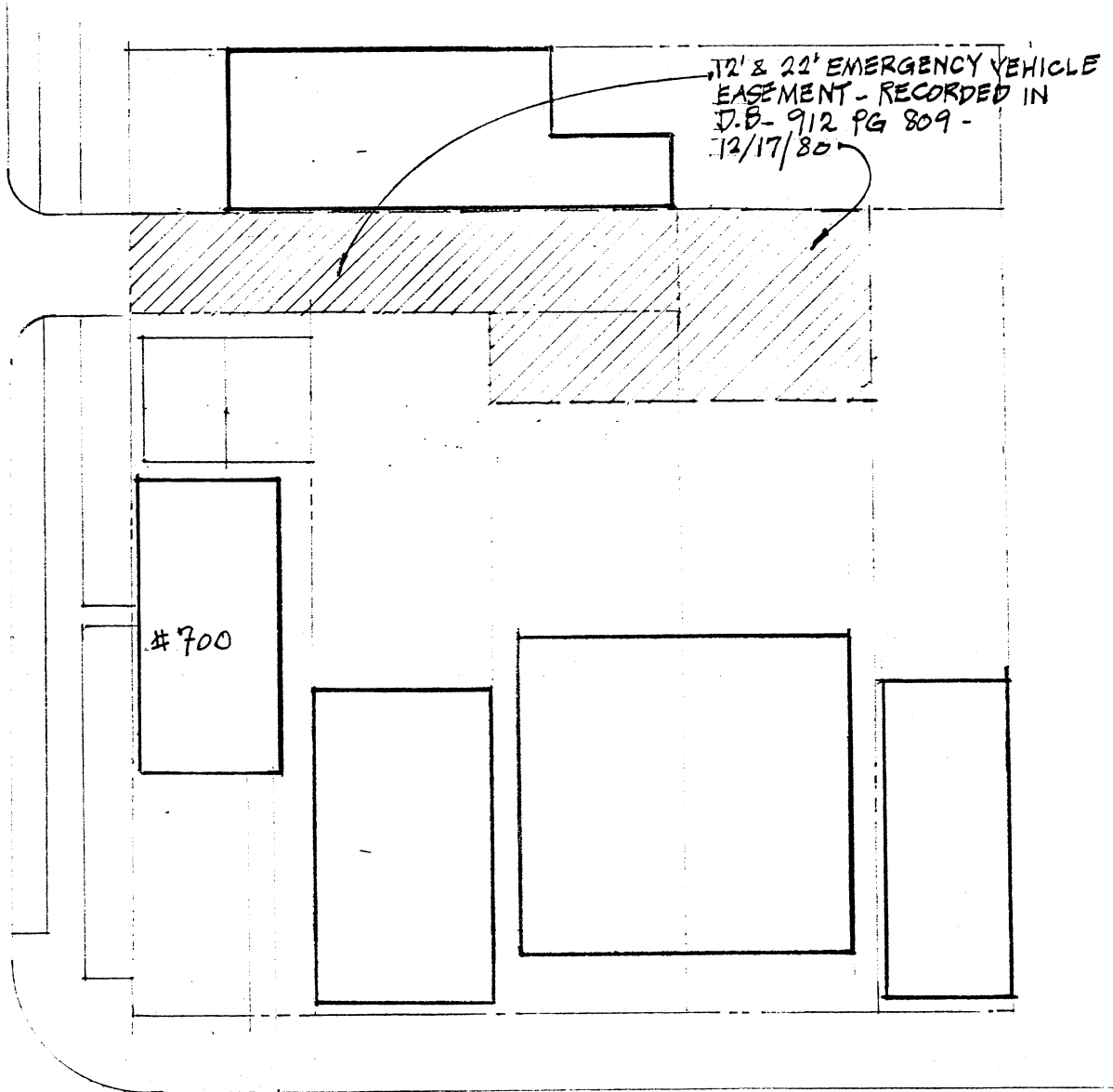
CERTIFIED CORRECT:

L. Carl Gardner, Jr.
L. CARL GARDNER, JR.
CERTIFIED LAND SURVEYOR

1045 RECTOR LANE
McLEAN VIRGINIA 22102.....703-893-5555

SUP2005-0136

WYTHE ST.



N. PATRICK ST.

PLOT PLAN SCALE 1"=20'

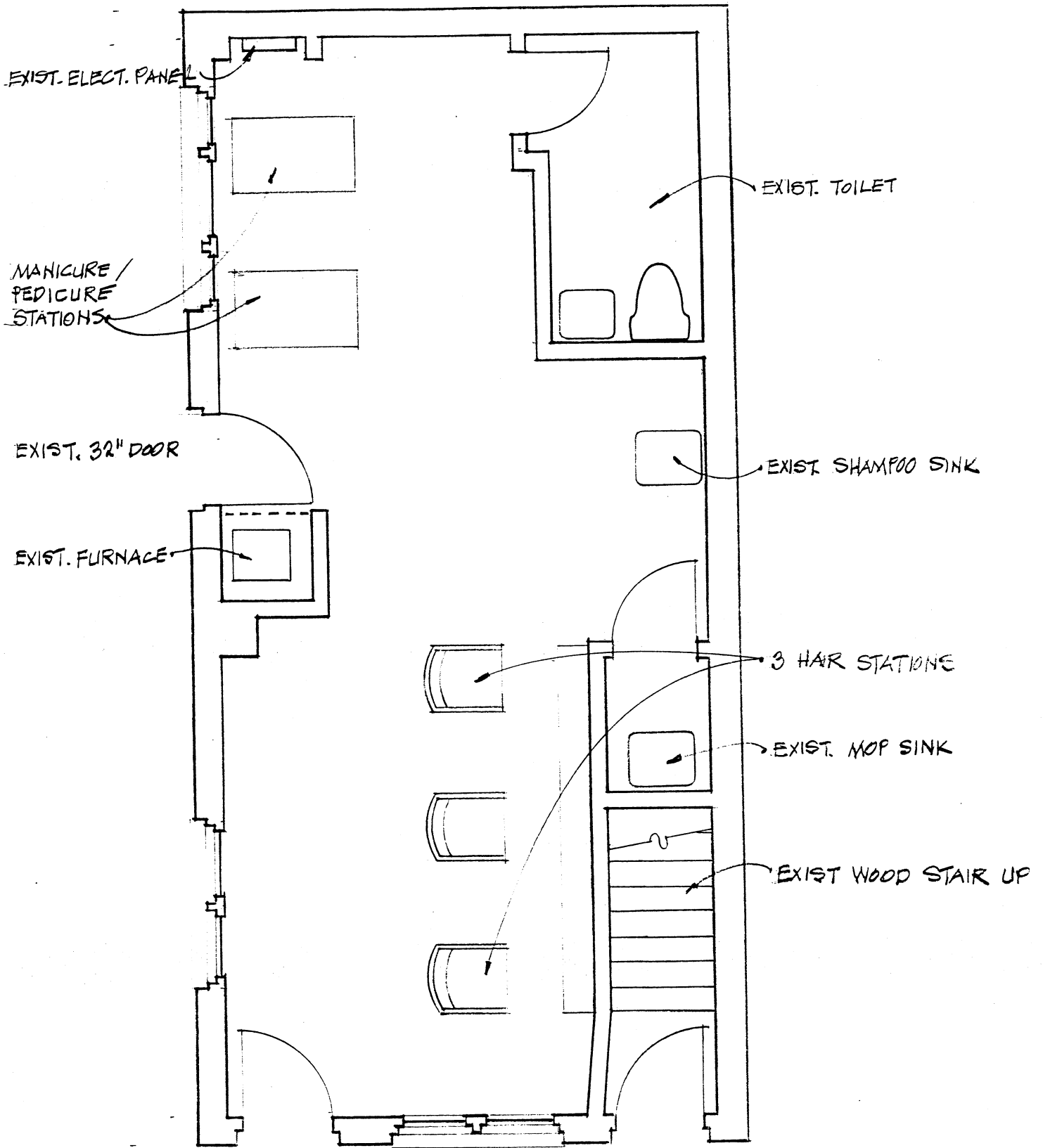
700 N. PATRICK STREET

17

ROBERT C BYRNES ARCHITECT

703-683-1011

12/27/05



FIRST FLOOR PLAN 1/4"=1'-0"
 700 N. PATRICK STREET

ROBERT C. BYRNES ARCHITECT
 703-683-1011 12/27/05

#5

APPLICATION for SPECIAL USE PERMIT # 2005-0136

[must use black ink or type]

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TAX MAP REFERENCE: 54.04 - 05 - 15

ZONE: RB

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ROBERT C. BYRNES

Print Name of Applicant or Agent

Robert C. Byrnes

Signature

25 W. MYRTLE ST.

Mailing/Street Address

703-683-1011

Telephone #

703-683-1611

Fax #

ALEXANDRIA, VA 22301

City and State

Zip Code

DECEMBER 28, 2005

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: By unanimous consent recommended approval 6-0 3/9/06

ACTION - CITY COUNCIL: 3/18/06- CC approved the PC recommendation 7-0